

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JOHN DALTON,  
Defendant.

Case No. [96-cr-00276-SI-1](#)

**ORDER DENYING DALTON'S  
MOTION FOR APPOINTMENT OF  
COUNSEL**

Re: Dkt. No. 711

Defendant John Dalton filed this *pro se* motion requesting that the Court appoint counsel to assist with his filing a compassionate release petition, and to facilitate a meeting with the U.S. Attorney's office regarding defendant's early release from prison. Mot. (Dkt. No. 711) at 1.

A district court may appoint counsel to represent a defendant in certain situations where the person is "financially unable to obtain representation" and the interests of justice so require. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *see also id.* ("Indigent state prisoners applying for habeas corpus relief are not entitled to appointment of counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations.").

The Court has reviewed Mr. Dalton's request and finds that the appointment of counsel is not warranted in this instance. Nothing in defendant's papers identifies a potential due process violation that could justify the appointment of counsel; nor has defendant demonstrated that any of his previous requests for appointment of counsel were denied in error. Therefore, defendant's motion for appointment of counsel is DENIED.

**IT IS SO ORDERED.**

Dated: July 31, 2017



SUSAN ILLSTON  
United States District Judge